

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

LAZ PARKING LTD, LLC

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Petitioner,

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And

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COMMONWEALTH EDISON COMPANY

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Docket No. 12-0324

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Respondent.

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Complaint pursuant to Sections 9-250 and

)

10-108 of the Illinois Public Utilities Act

)

And Section 200.170 of the Rules of Practice

)

Of the Illinois Commerce Commission

)

**REPLY BRIEF ON EXCEPTIONS
OF
LAZ PARKING LTD, LLC**

September 23, 2016

**REPLY BRIEF ON EXCEPTIONS
OF
LAZ PARKING LTD, LLC**

LAZ Parking LTD, LLC, an Illinois limited liability company ("LAZ"), by its attorney Law Offices of Paul G Neilan, P. C., for its Reply Brief on Exceptions (this "Reply BOE") pursuant to 83 Ill. Adm. Code 200.830¹, states as follows:

1. Introduction

LAZ's Commonwealth Edison Company ("ComEd") account is 2931008045 (the "Account"), which pertains the service location of 25 North Michigan Avenue in Chicago.

In December 2007, ComEd installed meter number 141362866, which is the meter at issue in this case (the "Meter," or "141362866"). Because of the magnitude of LAZ's load at this service location, current transformers ("CTs") are used to step down the current so that it can be measured by the Meter. The Meter is thus "associated with" an instrument transformer (i.e., the CTs) and is also sometimes referred to as "transformer rated."

The regulations of the Illinois Commerce Commission (the "Commission," or the "ICC") set forth specific requirements for testing (or inspection) of meters such as 141362866. These regulations include 83 Ill. Adm. Code Section 410.155², which requires a test or inspection under load within 90 days after a transformer rated meter such as 141362866 is installed in order to ensure that the meter is accurately measuring the customer's energy consumption. The record evidence in this case is indisputable, and the Commission properly found, that ComEd failed to perform any such test or inspection of 141362866 until 2010, long after the mandatory 90-day

¹Rules of procedure of the Commission set forth at 83 Ill. Adm. Code Section 200.10 et seq. are hereinafter referred to as the "Commission Rules" and abbreviated as "Comm. Rule."

²Regulations of the Commission set forth in 83 Ill. Adm. Code Part 410 and other parts (e.g., 83 Ill. Adm. Code Part 280) are hereinafter referred to as "Commission Regulations" and abbreviated as "Comm. Reg."

period had expired. ComEd thus failed to comply with all of the testing and inspection requirements of Part 410 of the Commission Regulations

On or about July 12, 2010, LAZ's then-current electricity supplier, MidAmerican Energy Company ("MidAm"), sent LAZ a re-bill in the amount of \$861,756.06, which it alleged was attributable to unbilled supply and delivery service from the Account's August 2008 through its May 2010 billing periods. LAZ filed a formal complaint contesting these alleged unbilled charges in May 2012 (this "Docket").

On August 11, 2016, the Commission issued its Proposed Order (the "Proposed Order") in this Docket. In accordance with the schedule ordered by the Administrative Law Judge, LAZ filed its Brief on Exceptions (LAZ's "BOE") regarding the Proposed Order on September 16, 2016.³ ComEd likewise filed its Brief on Exceptions (the "ComEd BOE," or "ComEd's BOE") on that date. In accordance with that schedule LAZ now files this Reply BOE in response to ComEd's BOE.

2. The Commission May Not Take Administrative Notice of *Ancor*

a. *Ancor* Does Not Bind the Commission in This Docket

ComEd's BOE, in its extensive reliance on twice-reversed orders in a different Commission docket (*Ancor Flexibles, Inc. v. ComEd*, Ill. C.C. Docket No. 11-0033 (referred to as "*Ancor*"), ComEd BOE pgs. 2-7), demonstrates the irrelevance to ComEd of both the record in this Docket and applicable law. ComEd doesn't like the facts (including its own judicial admissions) in this Docket, so it uncorks facts purportedly drawn from *Ancor*. ComEd even accuses the Commission of "seeking to avoid *Ancor*," as if *Ancor* were binding precedent. As a

³Capitalized terms used in this Reply BOE without definition have the meanings given in LAZ's BOE.

matter of law, ComEd's claim is completely meritless because Commission orders are not res judicata. *Lakehead Pipeline Co. v. Illinois Commerce Common*, 696 N.E.2d 345, 354, 296 Ill. App. 3d 942, 956 (3rd Dist. 1998) (the Commission is not a judicial body and its orders do not have the effect of res judicata; as a regulatory body it must have the authority to address each matter before it freely, even if it involves issues identical to a previous case).

ComEd's invitation to re-argue *Amcors* in this Docket must be accounted one of the grosser temptations on offer in the entire field of public utilities law. Because the ALJ marked this Docket "Heard and Taken" six months ago, Comm. Rule 200.640 and Section 10-103 of the Act⁴ prohibit ComEd's attempt to re-litigate *Amcors* here.

b. ComEd's *Amcors* Arguments and Citations Violate Commission Rule 200.640 and Must Be Stricken from the Record

ComEd relegates Comm. Rule 200.640 to a footnote to justify its wholesale inclusion of large portions of the *Amcors* record on grounds that the Proposed Order inadvertently referred to the meter at issue in *Amcors* as self-contained, rather than transformer rated. (ComEd BOE, pg. 6, fn. 3). Should the Commission wish to revise or correct that reference in the Proposed Order it may certainly do so, but a more preferable course, and one consonant with the requirements of Comm. Rule 200.640 and Section 10-103 of the Act, would simply be its deletion. *Amcors* is unnecessary for the Commission's decision in this Docket. In any event, the proper remedy is a minor correction, not ComEd's wholesale incorporation of twice-reversed orders in other Commission proceedings, nor any sufferance of ComEd's willful obtuseness regarding the requirements of Comm. Rule 200.640. (ComEd BOE, pg. 6 and pg. 6, fn. 3).

⁴The Illinois Public Utilities Act, 220 ILCS 5/1-101 et seq., referred to as the "Act," or the "PUA."

ComEd's extensive use of pleadings, orders and other record materials from *Amtcor* is just a back-door request that the Commission take administrative notice of those materials.

Consequently, Comm. Rule 200.640 governs ComEd's attempt to use *Amtcor* in this Docket.

That Commission Rule states as follows:

Section 200.640 Administrative Notice

- a) Consistent with Section 200.610 [i.e., 83 Ill. Adm. Code Section 200.610, applying Illinois Rules of Evidence generally in Commission proceedings], the Commission or Hearing Examiner may take administrative notice of the following:
 - 1) Rules, regulations, administrative rulings and orders, and written policies of governmental bodies other than the Commission.
 - 2) Contents of certificates, permits and licenses issued by the Commission, *and the orders, transcripts, exhibits, pleadings or any other matter contained in the record of other docketed Commission proceedings.*
 - 3) Annual reports, tariffs, classifications and schedules regularly established by or filed with the Commission as required or authorized by law or by an order or rule of the Commission.
 - 4) State and Federal statutes and municipal and local ordinances.
 - 5) The decisions of State and Federal courts.
 - 6) Generally recognized scientific or technical facts within the specialized knowledge of the Commission.
 - 7) All other matters of which the circuit courts of this State may take judicial notice.
- b) *Requests for administrative notice of transcripts, exhibits, pleadings or any other matter contained in the record of other docketed Commission proceedings are discouraged.*
- c) *Parties and Staff shall be notified either before or during the hearing or*

otherwise of the materials noticed and shall be provided a reasonable opportunity to contest the material so noticed. [5 ILCS 100/10-40].

83 Ill. Adm. Code Section 200.640.

By extensively discussing, quoting from, and citing to *Amtcor*, a different Commission docket, ComEd seeks unilaterally to impose in this Docket its own administrative notice of *Amtcor*'s "orders, transcripts, exhibits, pleadings or ... other matter" without the necessity of satisfying the requirements of Comm. Rule 200.640. Comm. Rule 200.640(b) expressly discourages use of the kinds of material ComEd tries to use in its extensive *Amtcor* arguments. Now, a full six months after the ALJ marked the evidentiary record in this proceeding "Heard and Taken," ComEd through its BOE attempts to inject this foreign material into this Docket's record. This is insupportable under Comm. Reg. 200.640.

Because ComEd failed to make the necessary request to the Commission before the ALJ marked this Docket "Heard and Taken" on March 15, 2016, ComEd may not argue *Amtcor* in this Docket. A copy of the ALJ's Ruling of March 15, 2016 is attached as Exhibit A to this Reply BOE. Commission Rule 200.640(c) requires that ComEd provide notice of its request to use this type of evidence to LAZ before or during the hearing. This ComEd failed to do.

Accordingly, the entirety of ComEd's *Amtcor* argument may not be heard, and under Comm. Rule 200.640 it does not comprise any part of the record in this Docket.

c. ComEd's *Amtcor* Arguments and Citations Violate Section 10-103 of the Act and Must Be Stricken From the Record in This Docket

Section 10-103 requires this Commission to decide LAZ's case exclusively on the record in this Docket, not on the record in *Amtcor*. Section 10-103 states, in relevant part, as follows:

5/10-103. Decisions to be based on record; ex parte communications

In all proceedings, investigations or hearings conducted by the Commission, except in the disposition of matters which the Commission is authorized to entertain or dispose of on an ex parte basis, any finding, decision or order made by the Commission shall be based exclusively on the record for decision in the case, which shall include only the transcript of testimony and exhibits together with all papers and requests filed in the proceeding, including, in contested cases, the documents and information described in Section 10-35 of the Illinois Administrative Procedure Act.

...

The Commission, or any commissioner or hearing examiner presiding over the proceeding, shall in the event of a violation of this Section, take whatever action is necessary to ensure that such violation does not prejudice any party or adversely affect the fairness of the proceedings, including dismissing the affected matter.

220 ILCS 5/10-103 (emphasis added). Because Section 10-103 binds the Commission to issue its order based exclusively on the record in **this** Docket, ComEd's extensive discussion, argument and quotation of *Amcor* also violates Section 10-103 of the PUA.

ComEd's injection of *Amcor* into this Docket at this juncture deprives LAZ of the opportunity to contest the matter, is highly prejudicial to LAZ, and materially adversely affects the fairness of this proceeding to LAZ. Accordingly, pursuant to the Commission's express authority under Section 10-103 to take any action necessary, the Commission should strike all *Amcor* arguments and *Amcor* citations and record materials from ComEd's BOE and likewise from the record in this Docket.

3. ComEd's Case Rests on a False Distinction Between "Meter Error" and "Billing Error" That Has No Basis in the Commission's Regulations

a. ComEd's Judicial Admission of Meter Error Stands of Record in this Docket
ComEd continues to argue that this case involves "billing error" rather than "meter error."

(ComEd BOE, pgs. 3, 4, 6, 11 and 12). However, as found in the ALJ's February 13, 2014 Order:

- d. Meter Number 141362866 was programmed with an incorrect meter constant.
- I. ComEd did not discover that Meter #141362866 had been programmed with an incorrect meter constant until it tested the meter on April 6, 2010.

These are Rule 216 judicial admissions by ComEd in this Docket and, as explained in LAZ's BOE, part of the law-of-the-case in this Docket. ComEd may not be heard to contravene its own judicial admissions, nor may the Commission ignore its own settled rulings made earlier in this case. Thus, regardless of any argument ComEd has made or may make, ComEd based its re-bill of LAZ's Account on an incorrectly programmed meter. Therefore, to the extent ComEd's false meter error/billing error dichotomy withstands even the slightest scrutiny, its Rule 216 judicial admissions would mandate a finding of meter error.

b. ComEd's Supposed "Meter Error" v. "Billing Error" Distinction Does Not Exist in Either the Commission's Meter Testing Regulations or Its Unbilled Service Regulations

ComEd repeatedly tries to distinguish "meter error" from "billing error" and goes so far as to claim that Comm. Reg. 410.150 "defines meter error." (ComEd BOE pgs. 3-4, 6, 11 and 12). ComEd's introduction and use of these terms in quotation marks reveals the essential vacuity of its argument because the Commission Regulations define neither term.

Attached as Exhibits B, C and D to this Reply BOE are the texts of Comm. Reg. 410.150, Comm. Reg. 410.200, and Comm. Reg. 280.100, respectively. These regulations do not even contain, much less define, the terms "meter error" or "billing error." ComEd invents these terms and then claims, on no basis other than its own assertion, that the Commission Regulations define them. That is untrue. Comm. Reg. 410.10, Definitions, shows that when the Commission

wants to define a term it does so.

ComEd ignores the plain language of Comm. Reg. 410.155, which requires a test or inspection of transformer rated meters under load within 90 days of installation to ensure that the customer's energy consumption is being accurately measured. ComEd also glosses over the plain language of Comm. Reg. 410.200(h)(1), which prohibits ComEd from adjusting LAZ's bill if ComEd has failed to meet all the meter accuracy and testing requirements of Part 410.

But when it comes to extracting its supposedly arcane and precise definitions of "meter error" and "billing error" from regulations that never mention either term, ComEd launches into a full-blown Jesuitical exegesis of Comm. Regs. 410.150 and 280.100. (ComEd BOE, pgs. 2-7). The stark contrast in the intensity of ComEd's interpretive efforts makes clear its selective purpose: to shape its reading of Commission Regulations strictly with a view to its own interest in continuing its current slipshod meter testing practices, without regard to the most fundamental purpose of the Commission's meter regulations, namely, ensuring accurate billing to customers. LAZ witness Bernhardt made clear that ComEd's supposed distinction between meter error and billing error is preposterous because the purpose of metering is accurate customer billing. (LAZ Exh. 3.0:270-271).

c. ComEd's "Meter Error"/ "Billing Error" Dichotomy Produces Patently Absurd Results

ComEd's argument suffers from self-inflicted contradictions and incoherencies. It bases the alleged distinction between billing error and meter error on its claim that billing errors arise from billing multipliers, which purportedly reside only in its billing system, CIMS⁵, and not in the meter. (See pars. 7 and 11 of Affidavit of ComEd witness T. Rumsey dated June 29, 2015,

⁵I.e., "Customer Information Management System."

attached as Exhibit A to Respondent's Motion for Summary Judgment filed June 30, 2015). But ComEd then torpedoed its own argument by admitting that despite the centrality of billing multipliers to its CIMS customer billing system, ComEd doesn't know where to find them. Billing multipliers could be in CIMS; or they could be in a field technician's mobile computer equipment; or they might migrate in unexplained ways from one place to another; and their location could even depend on who's looking for them. (Tr. 370:1-371:17; 387:17-18).

ComEd revealed the emptiness of its argument when it explained how the problem with 141362866 showed up in a billing multiplier discrepancy report. ComEd witness Spitz testified that this discrepancy report showed that the "constant actually in use" was different from the "constant CIMS would expect to use." (ComEd Exh. 3.0:69-71). If there's a billing multiplier that "CIMS would expect to use," then that billing multiplier must be derived from a source other than CIMS itself. That source can only be the customer's meter, or as LAZ witness Bernhardt made clear, the customer's entire metering installation, which includes the CTs and their related billing multipliers in the case of transformer-rated meters such as 141362866. (LAZ Parking Exh. 3.0:183-186; 3/15/2016 Transcript 241:22-242:6; 3/15/2016 Transcript 315:3-16; 3/15/2016 Transcript 239:13-20; 3/15/2016 Transcript 336:7-10). Even ComEd witness Rumsey admitted that there is no way to know what size CTs will be associated with a meter until it is installed. (Pars. 7 and 9 of Affidavit of ComEd witness T. Rumsey dated June 29, 2015, attached as Exhibit A to Respondent's Motion for Summary Judgment filed June 30, 2015).

ComEd argues that the sanction of Comm. Reg. 410.200(h)(1) does not apply unless there has been a prior meter test (or inspection) that shows an error of more than 2% in measuring the customer's energy usage. (ComEd BOE, pgs. 3-4). But Comm. Reg. 410.200(h)(1) contains no

such precondition:

Section 410.200 Corrections and Adjustments for Meter Error

...

h) Billing adjustments

- 1) For electric utilities. Any correction to metering data for over-registration shall be accompanied by an adjustment to customer billing by any electric utility that rendered service that is affected during the period of adjustment. Corrections made to metering data for under-registration may be accompanied by an adjustment to a customer's billing. *However, if an electric utility is providing metering service, in no case shall an adjustment to a customer's billing be made for under-registration if all testing and accuracy requirements of this Part have not been met.*

83 Ill. Adm. Code Section 410.200(h)(1) (emphasis added). Contrary to ComEd's argument, nothing in Comm. Reg. 410.200(h)(1) conditions its application on a *prior* meter test that shows an error. Section 410.200(h)(1), by its express terms, applies to any situation in which ComEd failed to meet all testing and accuracy requirements Part 410.

Had ComEd applied to Comm. Reg 410.200(h)(1) the same Philadelphia lawyering it used on Comm. Regs. 410.150 and 280.100 to draw out its fictional terms "meter error" and "billing error," it might have noticed that Comm. Reg. 410.200(h)(1) refers to "testing and accuracy requirements," and the term "requirements" is plural. A plain reading of this language is that there are both "testing requirements" and "accuracy requirements" in Part 410. ComEd attempts to isolate Comm. Reg. 410.200(h)(1) and artificially restrict its application to "meter error," which it confines to the accuracy limits of Comm. Reg. 410.150. However, Comm. Reg. 410.200(h)(1)'s reference to "testing requirements" as well as "accuracy requirements" means

that the failure to satisfy the testing requirements of Comm. Reg. 410.155 triggers the sanction of prohibiting adjustment of the customer's billing. This section's reference to both the "accuracy requirements" and the "testing requirements" of Part 410 disposes of ComEd's futile attempt to ground its case on "meter error" v. "billing error."

But ComEd's false distinction between these two alleged types of error attains the full meridian of absurdity when we consider its practical effect. If, as ComEd claims, Comm. Reg. 410.200(h)(1)'s sanction does not apply unless there has been a prior meter test (or inspection) that shows an error of more than 2% in measuring the customer's energy usage, then the Commission's Part 410 sanction for an electric utility's failure to perform all required meter tests does not apply if the electric utility has failed to perform all required meter tests. The irrationality of ComEd's argument warrants its repetition to ensure that there can be no mistake as to ComEd's meaning: in ComEd's view, in which a prior meter test is necessary before Comm. Reg. 410.200(h)(1) applies, that regulation's penalty for failure to perform all meter testing requirements of Part 410 does not apply if the utility has failed to perform all the meter testing required by Part 410. That is a patently absurd result.

4. ComEd Judicially Admitted That It Failed To Read 141362866 Until Years After Installation

The February 13, 2014 Order found the following as ComEd's judicial admissions under Rule 216:

- g. ComEd tested Meter #141362866 on October 25, 2007.
- h. ComEd tested Meter #141362866 on April 6, 2010.
- j. Subsequent to its test of meter number 141362866 on October 25, 2007, Commonwealth Edison did not test the meter again until April 6, 2010.

ComEd previously admitted LAZ Request to Admit 1.11:

ComEd installed meter number 141362866 at the Account's [i.e. LAZ's] service location of 25 North Michigan Avenue, Chicago, on December 14, 2007.

(LAZ Motion to Deem Admitted, filed November 12, 2012, Exhibit B). These are Rule 216 judicial admissions by ComEd in this Docket and, as explained in LAZ's BOE, part of the law-of-the-case in this Docket. ComEd may not be heard to contravene its own judicial admissions, nor may the Commission ignore its own settled rulings made earlier in this case. Thus, regardless of any argument ComEd has made or may make, it failed to test meter no. 141362866 under load within 90 days after its installation.

5. This Docket Is Not A Rulemaking

a. Section 10-101 of the Act Controls

ComEd argues that this Docket is a rulemaking, not a complaint case. (ComEd BOE, pgs. 7-12). ComEd can arrive at this conclusion only through a massively egregious misreading of Section 10-101 of the Act, which provides in relevant part as follows:

10-101. Investigations and hearings

...

Complaint cases initiated pursuant to any Section of this Act [i.e., the Illinois Public Utilities Act] , investigative proceedings and ratemaking cases shall be considered "contested cases" as defined in Section 1-30 of the Illinois Administrative Procedure Act, any contrary provision therein notwithstanding. Any proceeding intended to lead to the *establishment of policies, practices, rules or programs applicable to more than one utility* may, in the Commission's discretion, be conducted pursuant to either rulemaking or contested case provisions, provided such choice is clearly indicated at the beginning of such proceeding and subsequently adhered to.

220 ILCS 5/10-101 (emphasis added). LAZ commenced this Docket against ComEd as a “contested case.” LAZ named no other utility as a respondent. The Commission’s final order in this Docket will affect ComEd and only ComEd. That final order will not establish any “policies, practices, rules or programs” with which any utility other than ComEd will have to concern itself. Under no reasonable reading of Section 10-101 can this Docket be characterized as a rulemaking proceeding.

b. ComEd Cites No Authority In Support of Its Characterization of This Docket as a Rulemaking

In six pages of argument characterizing this Docket as a rulemaking (ComEd BOE, pgs. 7-12) not once does ComEd cite authority in support of its position. ComEd claims that the Proposed Order is a “drastic departure” from Commission policy and precedent (ComEd BOE, pg. 9), but cites no Commission policy or precedent.

To the contrary, the only policy or precedent at issue in this Docket has been ComEd’s. Throughout this proceeding ComEd has urged its own interpretation of Part 410 as the only correct one. It has been ComEd, not the Commission, that has attempted to define an “inspection” as something less than a “test” (*e.g.*, ComEd Exh. 1.0:170-176; Hearing March 15, 2016 Transcript (the “3/15/2016 Transcript”) 355:17-356:13; 3/15/2016 Transcript 377:9-15; 3/15/2016 Transcript 380:14-18), though neither the Commission Regulations nor any other authority supports that position. ComEd, not the Commission, determined that a quick look-see at the meter to make sure that the CTs are properly connected and power is flowing in the right direction meets the post-installation meter “inspection” requirements of Comm. Reg. 410.155, though not a word in the Commission Regulations defines this as an “inspection.” ComEd’s

slipshod post-installation “inspection” method can never satisfy Comm. Reg. 410.155's requirement that ComEd confirm that the customer's actual energy consumption is being accurately measured. Ironically, that supports ComEd witness Rumsey's assertion that “post-installation testing is a waste of time.” (ComEd Exh. 1.0:184-186). LAZ witness Bernhardt's testimony confirms that ComEd's current method of post-installation “inspection” is indeed a waste of time.

Nothing in this Docket concerns a break by the Commission with any prior Commission policy or precedent on meter testing. The only break with existing practice in this Docket is ComEd's with the way in which it has thus far been pleased to conduct meter testing.

Illinois precedent on Section 10-101 runs absolutely counter to ComEd's assertion that that the Commission is conducting rulemaking in this Docket. *Ameren Illinois Co. v. Ill. Commerce Comm'n.*, 2012 IL App (4th) 100962, 967 N.E.2d 298 (4th Dist. 2012) involved utility customers who challenged a Commission order granting a rate increase to Ameren. 967 N.E.2d at 302-03. Ameren argued that the Commission had done an “about face” with respect to its prior decisions regarding the treatment of post test-year accumulated depreciation in rate cases. 967 N.E.2d at 310-11. Just as ComEd argues now, Ameren argued then that the Commission violated Illinois law because such a major change in the treatment of depreciation in rate cases amounted to rulemaking without proper commencement of a rulemaking proceeding under Section 10-101 of the Act. 967 N.E.2d at 310-11. Rejecting Ameren's argument, the Illinois Appellate Court stated:

Section 10–101 does not explicitly require the Commission, when considering a new legal argument, e.g., whether a statute requires a change in a “policy,” to hold a proceeding before resolving the argument. In addition, the rate case itself is not a

“proceeding intended to lead to the establishment of policies, practices, rules or programs applicable to more than one utility,” and the Commission has discretion whether to hold a proceeding.

...

In this case, the Commission did not amend its practice or policy on its own volition. *The Commission, instead, on a legal argument the record shows had not been addressed before as well as on recent facts to determine a statute would be violated if its current practice continued.* The Commission has “the authority to address each matter before it freely, even if it involves issues identical to a previous case.” *Lakehead Pipeline Co.*, 296 Ill.App.3d at 956, 231 Ill.Dec. 353, 696 N.E.2d at 354.

967 N.E.2d at 313-14 (emphasis added).

In *Ameren*, the Appellate Court addressed the Commission’s review of its own practice, holding that, based on legal argument and facts in the record, the Commission determined that its own practice violated statutory law and had to be changed. That did not convert the case to a rulemaking. *Ameren* reinforces LAZ’s position that this Docket involves no rulemaking. Here, the Commission heard legal argument and facts on the record concerning not the Commission’s policy on meter testing, but ComEd’s, and the Proposed Order correctly found that ComEd’s meter testing (or inspection) policy fails to meet the requirements of the Commission’s meter testing regulations in Part 410.

6. Conclusion

For all of the reasons stated herein, LAZ requests that the Commission (1) deny the modifications requested in the ComEd BOE and make those requested in the LAZ BOE, and (2) strike from ComEd's BOE and from the record in this Docket ComEd's impermissible use of *Amtcor*.

Dated: September 23, 2016

Respectfully submitted,

LAZ PARKING LTD, LLC

By: /s/ **Paul G. Neilan**
Paul G. Neilan
Its Attorney
Law Offices of Paul G. Neilan, P.C.
1954 First Street, #390
Highland Park, IL 60035
847.266.0464 Tel
312.580.5483 Cell
312.674.7350 Fax

Attachments:

Exhibit A – ALJ Ruling of March 15, 2016
Exhibit B – Comm. Reg. 410.150
Exhibit C – Comm. Reg. 410.200
Exhibit D – Comm. Reg. 280.100